



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending July 4, 1998

Omitron, Inc., v. DOC— B-279751.1

This is a protest against a NOAA/NESDIS \$4.1M award of a Product Monitor Replacement for the GOES-IM. As we requested, GAO dismissed these Protests as academic on June 1, 1998, in view of the Agency's undertaking corrective action. We reported to GAO the status of the corrective action effort and informed GAO that we expect that ongoing effort to be completed by mid-late July. Ed Weber and Mark Langstein have the case..

ESA Briefing/Post-Adarand

Accompanied by Acting AGC/F&L, Terry Lee briefed the new Under Secretary for Economic Statistics Administration on post-*Adarand* requirements for contracting with small and disadvantaged businesses.

SBA Briefing/Post-Adarand

On July 1, Terry Lee, accompanied by Bob Welch, the Procurement Executive, attended a meeting at the SBA on post-*Adarand* requirements and the new benchmarks for contracting with small and disadvantaged businesses. During the meeting, a representative from DoC/ESA explained the methodology in development of the benchmarks. Additionally, the SBA Associate Director advised that the *Adarand* "strict scrutiny" requirement for race-based procurement decisions is not applicable to section 8(a) contracting. The Department has asked the SBA to confirm that position in writing which we believe is contrary to Justice's position. The new rules and benchmarks for affirmative action contracting are set forth in FAC's 97-06 and 97-07 and 63 FED. REG. 35714-01 (June 30, 1998).

Hughes Data Systems

PTO's primary micro-computer supplier, Hughes Data Systems, has been purchased by Raytheon. This \$100 million contract which was awarded in 1996 to establish a uniform desktop architecture at PTO is entering its final contract year. Due to problems associated with frequent technological and price changes in the marketplace, PTO is considering whether it should accept the new contractual relationship or establish alternate suppliers. Lisa J. Obayashi has been asked to advise on alternatives available to PTO.

Electronic Commerce

Terry Lee with Tish Tucker (OAM) and Dan Cohen (OGC/Legislative Affairs) on July 8 to discuss ways to change the statutory 15-day waiting period from date of notice of a solicitation to actual issuance of a solicitation. We reviewed 41 U.S.C. §§ 252c, 416 and 426, as well as the President's 1993 Memorandum on electronic commerce to heads of executive agencies and determined that the Secretary can make a good case to the OFPP Administrator to waive the 15-day waiting period under certain specified circumstances. OAM is going to write a first draft of a document to be presented to the OFPP Administrator.

Moldovan Consultations in Washington

Following on our visit to Moldova, and as part of CLDP's overall technical assistance program, a delegation from the Ministry of Economy and Reforms will be coming to Washington for consultations commencing on July 4, for approximately one week. The major thrust of these consultations deal with assistance in procedures and processes for WTO accession. Ken Lechter and Mark Langstein

CLD "Time to Complete"—2.6 Days

